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9  
10 Attorneys for Defendants  
11 THE BANK OF NEW YORK MELLON fka THE BANK OF  
NEW YORK, as Trustee for the CWALT Inc., Alternative  
12 Loan Trust 2004-J09, Mortgage Pass Through Certificates,  
Series 2004-J09; and BANK OF AMERICA, N.A., successor  
13 by merger to BAC Home Loans Servicing, LP

14 **UNITED STATES DISTRICT COURT**

15 **CENTRAL DISTRICT OF CALIFORNIA — WESTERN DIVISION**

16 RAMANATHAN SRINIVASAN, an  
individual; MARYCARMEN  
17 SRINIVASAN, an individual,

18 Plaintiffs,

19 vs.

20 BANK OF NEW YORK MELLON fka  
THE BANK OF NEW YORK, as  
Trustee for the CWALT Inc.,  
21 Alternative Loan Trust 2004-J09,  
Mortgage Pass-Through Certificates,  
Series 2004-J09, a National  
Association; BAC HOME LOANS  
22 SERVICING, LP, a Texas Limited  
Partnership; all persons unknown  
claiming any legal or equitable right,  
title, estate, lien or interest in the  
property described in the complaint  
adverse to Plaintiff's title thereto; and  
23 DOES 1-10, inclusive,

24 Defendants.

25 Case No. 8:12-CV-01641 ABC PJW  
Hon. Audrey B. Collins  
Ctrm. 680

26 **[PROPOSED] JUDGMENT**

27 Action Filed: September 27, 2012  
Trial Date: None Set

1 The motion of Defendants The Bank of New York Mellon fka The Bank of  
2 New York, as Trustee for the CWALT Inc., Alternative Loan Trust 2004-J09,  
3 Mortgage Pass Through Certificates, Series 2004-J09, and Bank of America, N.A.,  
4 successor by merger to BAC Home Loans Servicing, LP (“Defendants”) pursuant to  
5 Federal Rule of Civil Procedure 12(b)(6) was taken under submission by the Court  
6 on November 29, 2012, the Honorable Audrey B. Collins presiding.

7 After considering the moving papers as well as all opposition papers, and  
8 good cause appearing:

9           **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that  
10 Defendants' motion to dismiss is granted WITH PREJUDICE.

11           **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that  
12 Plaintiffs' complaint is dismissed with prejudice as to Defendants. Plaintiffs are to  
13 recover nothing from Defendants.

15 || DATED: December 7, 2012

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## HONORABLE AUDREY B. COLLINS

## **CERTIFICATE OF SERVICE**

*Srinivasan v. Bank of New York Mellon, et al*  
USDC Case No.: 8:12-CV-01641ABC(PJW)

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is The Atrium, 19100 Von Karman Avenue, Suite 700, Irvine, CA 92612.

On the date below, I served true copies of the following document(s):

**[PROPOSED] JUDGMENT**, on the interested parties in this action as follows:

Peter N. Osborn, Esq.  
Jeremy J. Alberts, Esq.  
Batkhand Zoljargal, Esq.  
Law Office of Jeremy J. Alberts  
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**BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Severson & Werson's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

**BY FEDERAL EXPRESS:** I enclosed said document(s) in an envelope or package provided by The overnight service carrier and addressed to the persons at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of The overnight service carrier or delivered such document(s) to a courier or driver authorized by The overnight service carrier to receive documents.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on December 6, 2012, at Irvine, California.

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Liz C. Roberts